

REMARKS

Claims 1, 2, 21 and 22 have been amended. Claims 3, 5, 23 and 25 have been cancelled. Claims 1-2, 4, 9, 21-22, 24 and 26 are currently pending in the application. No new matter has been added. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 4, 9, 21, 24 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,600,775 issued to King, which has been discussed in detail in previous responses, in view of U.S. Patent No. 5,457,478 issued to Frank (hereinafter “Frank”). These rejections are respectfully traversed.

It is respectfully submitted that no reasonable combination of the art of record teaches or suggests the combination of limitations recited in amended claim 1.

Claim 1 has been amended to specifically require that video data associated with a designated original video frame portion of at least one of a first plurality of original video frames is **permanently modified** as a result of executing the op-code instructions, and furthermore, that the designated original video frame portion is **replaced** by the permanently modified version of the designated original video frame portion. Additionally, claim 1 now requires a commentary generator used to generate a portable commentary formed of at least the op-code instructions used to create the first video presentation. The portable commentary can be used by a second processor to create a second video presentation using a second plurality of original video frames (Support for this amendment can be found on pages 16-22, which describe op-code instructions for creating video presentations). Amended claim 1 now recites,

“A video presentation tool kit for creating a video presentation from a first plurality of original video frames; comprising:

 a user activated designation tool for designating at least a portion of at least one of the first plurality of the original video frames;

 an annotator tool arranged to generate a set of op code instructions used to permanently modify video data associated with the designated original video frame portion;

 a processor arranged to receive and execute the op-code instructions wherein the executed op-code instructions cause the processor to permanently modify the original video data associated with the designated original video frame portion and replace the designated original video frame portion therewith; and

 a commentary generator used to generate a portable commentary formed of at least the op-code instructions wherein the portable commentary can be used by a second processor to create a second video presentation using a second

plurality of original video frames that are different than the first plurality of original video frames.”

On page 3 of the present Office Action, the Examiner affirms that, “King teaches the benefit of the system is the ability to provide annotation editing **without having to permanently modify the original video.**” Furthermore, on page 4 of the present Office Action, the Examiner affirms that, **King does not teach permanently modifying** the video frame information corresponding to the designated video frame portions,” but then states, “Frank teaches an editing system (20) which is used to enhance incoming video images and storing the enhanced video images.”

Frank describes a control device for use in a multimedia system (See Abstract). The multimedia system includes a host computer that provides the user the ability to select an operating mode for the control device. In a remote control mode, the control device may be used to remotely control a number of target devices. In other words, Frank describes a customizable remote control device capable of controlling functions in associated target devices such as televisions, laser disk players, VCRs and a computer, which would generally each require their own control device. The only reference to storing video images is described in column 2 lines 27-47, portions of which recite,

“For example, the user may wish to manipulate a video image stored on laser disc 26. First, the video image must be transferred over the network from laser disc 26 and stored in memory in central control computer 20. To accomplish this task, the user would command, by a remote control unit, laser disc 26 to play the video image over the network. After the video image is transferred to central control computer 20, the user may add special effects to the video image creating these effects directly on the computer. After generating the enhanced video image, the user may wish to store the video image on VCR 24. To accomplish this task, central control computer 20 sends the video image via some kind of interconnect (often in analog video), and the user remotely controls VCR 24 to record the enhanced video image.”

Thus, in the only embodiment described by Frank, video images from a laser disc 26 are transferred from the laser disc to a computer 20 where the video images are stored in memory. Subsequently, the video images are manipulated with the computer 20. After manipulation, Frank adds that the user may wish to store the manipulated video images on a VCR 24. Thus, it should be noted that the video images in the laser disc 26 itself are **not permanently modified.** Rather, the video images from the laser disc may be modified and subsequently stored via a **separate** medium, such as VCR 24.

In stark contrast, claim 1 specifically recites, “the executed op-code instructions cause the processor to **permanently modify the original video data** associated with the designated original video frame portion and **replace** the designated original video frame portion therewith.” In other words, the original video frame information from the original video frames is replaced by the permanently modified video frame information.

In view of the foregoing, Frank fails to cure the deficiencies of King, and hence, it is respectfully submitted that the outstanding rejection of claim 1 be withdrawn.

Furthermore, the very fact that King specifically recites, “Full motion digital video frames, or other indexed data structures, are annotated with text, graphics, and digital audio **without modifications to the original video information** (See Abstract),” along with the contention affirmed by the Examiner that, “King teaches the benefit of the system is the ability to provide annotation editing **without having to permanently modify the original video**,” teaches away from combining King with the apparatus and methods disclosed by Frank. More particularly, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine King with Frank to produce the present invention as defined by the combination of limitations recited in claim 1.

Independent claim 21 recites limitations that are similar in scope to those recited in independent claim 1, and hence, claim 21 is respectfully submitted to be patentable over the art of record for at least similar reasons as those set forth above for claim 1.

All dependent claims depend either directly or indirectly from independent claims 1 and 21 and are, therefore, also respectfully submitted to be allowable for at least the reasons stated for claims 1 and 21 above.

A number of other claims were also rejected as being obvious under King in view of U.S. Patent 6,507,696 issued to Chung, as well as King in view of Chung and further in view of U.S. Patent 6,144,375 issued to Jain. It is the Applicants' belief that none of the cited references add to King with regard to the claimed limitations of the invention. Therefore, the Applicants' believe that the secondary references fail to cure the fundamental deficiencies of King and respectfully request that the obviousness type rejections thereof be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are allowable. Should the Examiner believe that a further telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

/Michael J. Ferrazano/
Michael J. Ferrazano
Reg. No. 44,105

P.O. Box 70250
Oakland, CA 94612-0250
(408) 255-8001